Additional Provisions of The Safe Food Enforcement, Assessment, Standards and Targeting Act "Safe FEAST" Act of 2009

(*Similar to Durbin-Burr Senate Bill, S. 510)*

PERFORMANCE STANDARDS – Would require FDA to periodically review and evaluate (but not less then every two years) the most significant food-borne contaminants and the most significant resulting hazards and if appropriate, FDA could issue science based guidance documents, action levels and regulations to help prevent adulteration.

TRACEBACK – Requires FDA within 12 months of enactment to establish a pilot project in coordination with the produce industry to test and evaluate new methods of rapidly and effectively tracking and tracing fruits and vegetables.

FACILITY CERTIFICATION – Requires FDA to implement a voluntary accreditation system under which a foreign government, state or regional food authority, foreign or domestic cooperative, or another third party deemed appropriate may request to be accredited as a certifying agent to certify that facilities meet the requirements of the Act.

LABORATORY TESTING –Would require accredited laboratories be used to test all imported food.

ADMINISTRATIVE DETENTION – Would give FDA administrative detention authority when the agency "has reason to believe" that a food "is adulterated or misbranded". FDA would be required to issue an interim final rule implementing this provision.

VIOLATION FINES - MANDATORY RECALL AUTHORITY – Failure to comply with a recall would trigger a civil money penalty of no more than $50,000 per individual and $250,000 per other entities, not to excess $500,000 for all related violations.

RECORD KEEPING AND RECORDS ACCESS – Give FDA access to inspection reports and other documentation gathered by third party auditors during the auditing process.

PRIOR NOTICE – Would require prior notice of an imported food to include the name of any country that refused entry to the food.

FOREIGN INSPECTORATE –Would authorize FDA to enter into agreements with foreign countries to facilitate inspection of registered facilities and require that inspection resources be directed to those facilities that present the highest risk.

REVIEW OF A REGULATORY AUTHORITY OF A FOREIGN COUNTRY -Would give FDA the authority to review the food safety systems of other countries and based on the review, determine whether those countries can provide reasonable assurances that the food supply of the country is equivalent in safety to that of the United States.

FEES, RECALLS AND INSPECTIONS- Would authorize fees to cover recall related activities performed by FDA, capped at $20 million annually. Would give FDA the authority to collect fees to fully defray the costs of reinspections. Reinspection related fees would be capped at $ 25million.

SURVEILLANCE – Would require CDC to enhance food-borne illness surveillance systems to improve collection, analysis, reporting, and usefulness of data of food-borne illness.